



California Fair Political Practices Commission

October 31, 1986

Mr. Ernest R. Hawkins
Registrar of Voters
County of Sacramento
3700 Branch Center Road
Sacramento, CA 95827

Re: Your Request for Advice
Our File No. A-86-285

Dear Mr. Hawkins:

In your letter of September 25, 1986, you have requested advice concerning the campaign disclosure provisions of the Political Reform Act.^{1/}

QUESTIONS

1. If an original campaign disclosure statement is retained by a filing officer for a period of two years and then is placed on microfilm, may the original (paper document) be destroyed?
2. What is the retention period for a duplicate copy of an original campaign disclosure statement?

CONCLUSIONS

1. Once an original campaign disclosure statement has been on file for at least two years and then is placed on microfilm or some other space-saving material, the original paper document may be destroyed.
2. Filing officers who receive both the original and one copy of a campaign disclosure statement are required to keep the original indefinitely or for a specified period of time depending upon the office of the filer. The copy is retained for public viewing purposes only and may be destroyed at any time.

In addition, filing officers who receive a copy of a campaign disclosure statement where the original is filed with another filing officer, must retain the copy for a period of four years. However, after a two-year retention period, the copy may be placed on microfilm and the paper document destroyed.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

October 31, 1986

ANALYSIS

Because of limited storage space, filing officers may choose to use a microfilm device to store originals or copies of campaign statements. Government Code Section 81009 defines the retention requirements of campaign disclosure statements:

"(a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

(b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.

(c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years...

(f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.

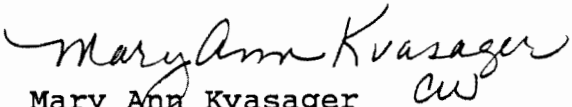
(g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy..."

Please contact me if I may be of further assistance.

Sincerely,

Diane M. Griffiths
General Counsel

By


Mary Ann Kvasager
Political Reform Consultant



COUNTY OF SACRAMENTO

VOTER REGISTRATION & ELECTIONS

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ERNEST R. HAWKINS
REGISTRAR OF VOTERS

DWIGHT M. BEATTIE
ASSISTANT REGISTRAR
OF VOTERS

September 25, 1986

Fair Political Practices Commission
428 J Street
Sacramento, CA 95814

Attention: Technical Assistance

Gentlemen:

At a FPPC training seminar in Sacramento this past spring, the topic of retention of campaign disclosure statements was discussed.

The interpretation my staff person received, pursuant to Section 81009 of the Government Code, was as follows:

After a two-year retention period, if the documents are on microfilm and are readily accessible and available for reproduction, the paper copy need not be retained. Additionally, the duplicate copy (or second copy of a copy or original on file) need not be permanently retained, but is primarily back-up material for the filing officer.

As with all government agencies, storage space is an ongoing dilemma; the ability to dispose of some old records would be helpful.

I would very much appreciate verification, in writing, of the above interpretation; in particular, as pertains to disposal of a second copy of a copy or original on file.

Thank you for your ongoing assistance.

Very truly yours,

Ernest R. Hawkins
Registrar of Voters



California Fair Political Practices Commission

October 3, 1986

Ernest R. Hawkins
Registrar of Voters
3700 Branch Center Road
Sacramento, CA 95827

Re: 86-285

Dear Mr. Hawkins:

Your letter requesting advice under the Political Reform Act was received on October 1, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days.

Very truly yours,

Jeanne Pritchard
Jeanne Pritchard
Chief

Technical Assistance and Analysis
Division

JP:plh